UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NORTH CAROLINA SOUTHERN DIVISION

Criminal No. 7:09-CR-97-FL-2 Civil No. 7:11-CV-161-FL

| DANIEL AREVALO-HERNANDEZ |) | |
|---------------------------|---|------------------|
| Petitioner, |) | |
| |) | |
| v. |) | <u>O R D E R</u> |
| |) | |
| UNITED STATES OF AMERICA, |) | |
| Respondent. |) | |
| | | |

Having conducted an examination of petitioner's motion pursuant to Rule 4(b) of the Rules Governing § 2255 Proceedings and it appearing that dismissal is not warranted at this time, the United States Attorney is DIRECTED to file an Answer pursuant to Rule 5, Rules Governing § 2255 Proceedings, or to make such other response as appropriate to the above-captioned § 2255 Motion to Vacate, Set Aside or Correct Sentence, within **forty (40)** days of the filing of this order.

SO ORDERED.

This the 11th day of August, 2011.

Louise W. Flanagan

Chief United States District Judge

Your W. Dloregan